

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND  
JOHN MARSHALL COURTS BUILDING**

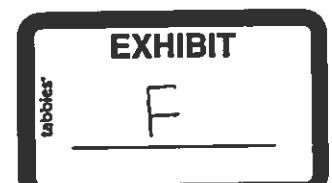
<b>COMMONWEALTH OF VIRGINIA,</b>	)	
	)	<b>12-F-3788 and 12-F-3789</b>
<b>V.</b>	)	
	)	<b>Honorable J. J. Taylor</b>
<b>JAMAR GILLIAM,</b>	)	
<b>Defendant.</b>	)	

**ORDER**

THIS MATTER came before the Court on Commonwealth's Motion to Vacate Jamar Gilliam's convictions in the above-styled matters. The Commonwealth asserted, as a basis for the motion, that there was clear and convincing evidence of extrinsic fraud in the above-styled matters. The Defendant appeared in person and was represented by counsel, Jacqueline M. Reiner. The Commonwealth was represented by Deputy Commonwealth's Attorney Tanya H. Powell.

The Defendant was convicted on December 17, 2012 of possession with intent to distribute cocaine (12-F-3788) and possession of heroin (12-F-3789). The Defendant was sentenced on October 2, 2013. The Commonwealth filed its motion, with agreement of counsel, on July 6, 2015, which is outside the time limit set forth in Rule 1:1. The Commonwealth asserted that extrinsic fraud provides this Court with jurisdiction to entertain the motion. *Rook v. Rook*, 233 Va. 92, 95, 353 S.E. 2d 756, 757 (1987). During the hearing, the Commonwealth, without objection, submitted evidence and proffered facts upon which it concluded that extrinsic evidence had been committed in this matter that justified vacating the aforesaid convictions.

It appearing proper and appropriate to do so, the Court having heard the evidence in this matter, finds that the written motion, submitted exhibit and proffer of facts establishes by clear and convincing evidence that extrinsic fraud did occur and that such fraud renders the aforesaid



convictions void. Having found the convictions void, the Court HEREBY GRANTS the Commonwealth's Motion to Vacate the December 17, 2012 and October 2, 2013 Orders in the Richmond Circuit Court case numbers 12-F-3788 and 12-F-3789. *See, e.g., Peet v. Peet*, 16 Va. App. 323, 429 S.E.2d 487 (1993). Accordingly, the Trial Order for case numbers 12-F-3788 and 12-F-3789 entered on December 17, 2012 is VACATED. Accordingly, the Sentencing Order for case numbers 12-F-3788 and 12-F-3789 entered on October 2, 2013 is VACATED.

Further, the Court GRANTS, for good cause shown, the Commonwealth's motion to *nolle prosequi* the indictments in Richmond Circuit Court case numbers 12-F-3788 and 12-F-3789.

Further, the Court ORDERS the Defendant should receive credit for any time he has served in relation to the above-styled case numbers and that that credit be attributed to the sentence he is currently serving in Richmond case number 12-F-4273.

As there are other matters involving the Defendant, he is remanded to custody.

The Clerk is DIRECTED to forward a certified copy of this Order to the Defendant, Counsel for the Defendant, Commonwealth Attorney, Department of Corrections, District One Probation and Parole and Virginia State Police.

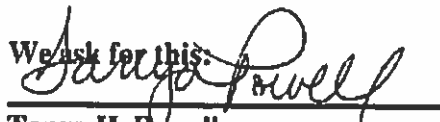
It is so ORDERED.

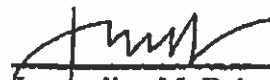
  
The Honorable J. J. Taylor

Entered: 9/16/2015

A Copy  
Teste: EDWARD F. JEWETT, CLERK

BY:  D.C.

We ask for this:  
  
Tanya H. Powell,  
Deputy Commonwealth Attorney

  
Jacqueline M. Reiner,  
Counsel for Defendant